

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Lewis et al.	Examiner:	Cordelia P. Kane
Serial No.:	10/823,686	Group Art Unit:	2132
Filed:	April 14, 2004	Docket No.:	14917.0553USU1
Customer No.:	27488	Confirmation No.:	5352
Title:	System and Methods for Providing Network Quarantine		

**RESUBMITTED PETITION TO EXPUNGE PURSUANT
TO 37 CFR § 1.59 & MPEP § 724.05**

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

With regard to the above-identified application, a Petition to Expunge Pursuant To 37 CFR § 1.59 & MPEP § 724.05 (“Previous Petition”) was previously submitted with the documents listed on Exhibit A hereto (“Materials”), which were filed in sealed envelope(s) pursuant to MPEP § 724.02. The Previous Petition was dismissed as being untimely in a Decision on Petition Under 37 CFR §1.59. The Decision on Petition stated:

During prosecution on the merits, the examiner will determine whether or not the information submitted on 11 December 2007 is considered to be “material.”

Once prosecution on the merits is closed, applicant may re-submit a petition to expunge the information. No further fee is required for such a second submission of a petition under 37 CFR § 1.59 to expunge information. If the information is not considered by the examiner to be material, the information will be expunged from the application and may be returned to applicant.

Decision on Petition, December 27, 2007.

Prosecution on the above-identified application is now closed. A Notice of Allowance was mailed on December 16, 2008. Therefore, this Resubmitted Petition to Expunge is now being filed.

To the extent that any of the Materials are found not to be important to a reasonable examiner in deciding upon patentability (“Criteria”), Petitioner requests that all of the Materials, or any portion of such Materials not meeting the Criteria, be expunged and removed from the official file for the above-identified application.

Pursuant to MPEP § 724.05, Petitioner makes the following statements:

1. The materials are proprietary subject to a legal obligation in: Commission of European Communities vs. Microsoft, Case No. COMP/C-3/37792 (hereafter, “Litigation”);
2. The Materials have not otherwise been made public;
3. Petitioner commits to retain the Materials for the period of any patent with regard to which the Materials are submitted;
4. This petition to expunge is being made on behalf of the party in interest on whose behalf the Materials were submitted; and

Please contact the undersigned if any further information is needed with respect to this petition. No fee is believed to be due with this filing. However, please charge any additional, necessary fees or credit any overpayment to Deposit Account No. 13-2725.

Respectfully submitted,
MERCHANT & GOULD P.C.
P.O. Box 2903
Minneapolis, Minnesota 55402-0903
(612) 332-5300

Date: January 23, 2009

/Albert W. Vredeveld/
Name: Albert W. Vredeveld
Reg. No.: 60,315